

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ERIC FORSYTHE, et al.,

Plaintiffs,

v.

SUN LIFE FINANCIAL, INC., ET AL.,

Defendants.

No. 04-10584-GAO

Consolidated Cases Nos.:

04-10764-GAO

04-11019-GAO

**MOTION FOR LEAVE
TO SUBMIT SUPPLEMENTAL AUTHORITY**

Pursuant to Local Rule 7.1(B)(3), Defendants respectfully request leave to submit as supplemental authority in support of their Motion to Dismiss the Consolidated Amended Complaint a recent decision of the U.S. District Court for the Central District of California, In re American Mutual Funds Fee Litig., slip op., No. 04-5593 (C.D. Cal. Dec. 16, 2005) (attached as Ex. A). Like the Columbia and Eaton Vance decisions filed as supplemental authority two weeks ago, American dismisses in its entirety a complaint nearly identical to the one filed in this case.

Dated: December 20, 2005

Respectfully Submitted,

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Services Co., and MFS Fund Distributors, Inc.,

By their attorneys,

/s/ Jonathan A. Shapiro

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LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned counsel for the MFS defendants hereby certifies that on December 20, 2005, he conferred by telephone with plaintiffs' counsel, Nancy Gans, in a good faith attempt to resolve or narrow the issues raised in this Motion. Ms. Gans assented to the filing of the American Mutual Funds Fee Litig. opinion as supplemental authority.

/s/ Jonathan A. Shapiro
Jonathan A. Shapiro

Dated: December 20, 2005

CERTIFICATE OF SERVICE

I, Matthew A. Stowe, hereby certify that on December 20, 2005, I caused a copy of the foregoing document to be served either electronically or by overnight mail upon counsel for plaintiffs.

/s/ Matthew A. Stowe (JAS by permission)
Matthew A. Stowe

Dated: December 20, 2005